CHESAPEAKE BAY COMMISSION

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The Chesapeake Bay Commission held its third quarterly meeting of 2025 on Thursday and Friday, September 4-5, 2025. The meeting was held in State College, Pennsylvania.

Commission members in attendance:

Delegate Nick Allen
Delegate Alex Askew
Representative Kerry Benninghoff
Delegate Robert Bloxom
Delegate David Bulova
Warren Elliott, PA Citizen Member
Representative Carol Hill-Evans
Secretary Josh Kurtz
RADM Carl Lahti
Senator Sara Love
Senator Jeremy McPike
Representative Nikki Rivera
Delegate Sheila Ruth
Deputy Secretary Jill Whitcomb representing Secretary Jessica Shirley
Senator Richard Stuart (Day two only)
Secretary Stefanie Taillon
Senator Mary Washington
Senator Gene Yaw

Not in attendance:

Delegate Julian Ivey
Senator Scott Martin

Member Staff:

MD David Goshorn
DoD LCDR Matt Rector

CBC Staff:

Jen Dieux
Anna Killius
Marel King
Adrienne Kotula
Greg O'Connell
Maggie Woodward

Thursday, September 4, 2025

WELCOME
Members met in the Nittany Lion Inn lobby at 10:45 A.M. and proceeded to board a bus for the scheduled field tour/trip.

EVERGREEN FARMS & SPRUCE CREEK
Commission members toured the Harpster family's dairy farm, Evergreen Farms. The farm was chosen to illustrate how best management practices designed to improve soil and water conservation could both improve the Harpster's massive dairy operation of over 3,200 cows, and benefit Spruce Creek, a world-class trout stream that runs through the farm. Abe, Aaron, and Andy Harpster shared their experience running the dairy and managing nutrients as well as the unique history of the family's connection with Spruce Creek and its visiting anglers.

ACID MINE DRAINAGE SITE
To learn about the impacts of acid mine drainage, Commission members visited two sites near Philipsburg, Pennsylvania, an area that was heavily mined for coal in the 19th and 20th centuries. Members viewed portions of Moshannon Creek, a major tributary of the West Branch of the Susquehanna River. Bobby Hughes of the Eastern PA Coalition for Abandoned Mine Reclamation, Eric Rosengrant from the Moshannon Creek Watershed Association, Kelly Williams with the Clearfield County Conservation District and Deb Nardone of the Foundation for Pennsylvania Watersheds explained the treatment process for abandoned mine discharge, short- and long-term policy solutions, and how local groups are working to combat the issue.

The tour concluded at the Nittany Lion Inn at 5:00 p.m.

Friday, September 5, 2025

DELEGATION BREAKFAST BREAKOUTS
Each state delegation discussed news and issues relevant to their jurisdiction over breakfast.

WELCOME AND NEW MEMBER INTRODUCTIONS
Commission Chair Love called the meeting to order at 9:16 a.m. and welcomed members to the Nittany Lion Inn. She then acknowledged changes in the Commission membership: Delegate Stein's departure and the appointment of his successor, Delegate Nick Allen. Chair Love also expressed appreciation to Rear Admiral Lahti for his service and extended best wishes for his retirement. Lastly, she introduced the Commission's new Fellow, Greg O'Connell. Words of welcome were provided by local PA Senator Cris Dush and Representative Paul Takac.

ROLL CALL
Chair Love then asked Executive Director Anna Killius to call the roll. A quorum was present.

ADOPTION OF MINUTES
Chair Love called for approval of the minutes from the May meeting. The motion was adopted by unanimous consent.

ADOPTION/MODIFICATION OF AGENDA

Chair Love asked for comments or questions on the agenda from the members. Hearing none, the agenda was approved unanimously.

FOLLOW-UP FROM MAY MEETING

Chair Love asked Executive Director Killius to present the group with follow-ups from the May meeting. Ms. Killius provided updates as follows:

Jurisdiction Comparison Fact Sheet

Ms. Killius pointed the members to an updated jurisdiction comparison fact sheet based on the fact sheet provided in the Commission's 2019 annual report and a presentation from the Chesapeake Legal Alliance at the Commission's January meeting. The fact sheet compares geographic, demographic, and legislative differences between the Commission's jurisdictions. The Commission's new Fellow, Greg O'Connell, updated this useful resource.

Federal Updates

Budget Reconciliation (H.R.1 - OBBBA) & the Farm Bill

Ms. Killius advised the Commission on what to expect from the budget reconciliation process, and the newly passed One Big Beautiful Bill Act passed in July. Many aspects of the bill focused on reducing tax revenues and mandatory expenditures in areas beyond the Commission's scope. However, the act did include a number of authorizations and funding levels related to the Farm Bill's conservation title. The 2018 Farm Bill was due to be reauthorized in 2023, but many of the programs had been under temporary extensions through 2025. Within the reconciliation package and in the conservation space, the Agricultural Conservation Easement Program (ACEP), Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), and Regional Conservation Partnership Program (RCPP) have all been authorized through 2031 with significant baseline funding levels. The baselines were elevated using the remaining Inflation Reduction Act dollars. Conservation programs throughout the watershed stand to benefit from the continued authorization and funding for these programs.

Congressional Agriculture leaders have indicated that they intend to pass a trimmed down Farm Bill with other policy priorities not covered in the reconciliation package. Ms. Killius shared that Commission staff will stay in communication with committee staff to urge progress on workforce development for technical assistance providers.

Federal Appropriation Process

Ms. Killius directed members to an updated federal funding tracking spreadsheet summarizing how the Commission's federal budget priority line items are faring in the ongoing appropriations process. She indicated that in general, Congress is starting from previously appropriated amounts, which is good news since the Commission's highest priority is to hold the line on current funding levels. The President's budget proposal recommended major funding and staffing cuts impacting key federal partners like the Department of the Interior (including the U.S. Geological Survey, the U.S. Fish and Wildlife Service, and the National Park Service), the Department of Agriculture, and National Oceanic and Atmospheric Administration. The House and Senate bills have largely declined to move in this direction, but there are concerns. Some of the categorical grants EPA

provides to states for issues like stormwater pollution continue to decline, putting more pressure on state environmental agencies.

However, the Administration has indicated that they intend to test the limits of their ability to cut back on spending appropriated money outside of the formal recissions process. Spending approvals and grant decisions are moving very slowly. We are no longer taking it as a guarantee that if Congress appropriates the funds, those funds will be available in a timely manner if at all. Commission staff will continue to be aware of where these slowdowns are happening and explore whether we can encourage our Congressional leaders to help smooth the way to timely awards and expenditures.

For the remainder of FY2025, we expect to be headed toward a Continuing Resolution, hopefully before the start of FY2026 on October 1. Otherwise, a government shutdown would hit midweek.

Catfish

Ms. Killius described specific federal policy updates regarding invasive catfish in the Bay. First, Representatives Elfreth and Wittman have introduced bipartisan legislation establishing a pilot program at NOAA to facilitate a market for using blue catfish in pet food: the Mitigation Action and Waterman Support (MAWS) Act. Representatives Kiggans and Hoyer have joined as cosponsors. We look forward to supporting this effort as it moves through Congress.

The Commission has also worked with Representative Harris' office to secure language in the House Interior appropriations bill report encouraging USGS to coordinate an adaptive research framework for invasive blue catfish in the Bay. We believe that USGS's expertise and experience with invasive aquatic species, including carp, will help in developing a coordinated approach to understanding the scale of the problem and the efficacy of available solutions. We are still hoping to secure a relatively small amount of funding to support this effort as the appropriations process moves forward.

Finally, Representative Harris welcomed Secretary of Agriculture Rollins to Maryland's Eastern Shore last month to announce $6 million in grant funding available for catfish processing. Funding to support additional catfish processing capacity in the Bay watershed has been a priority for the Commission, and we were able to work with Representative Harris and Senator Cardin to secure $3 million in grants in FY2024. The Commission is encouraging all our catfish contacts in Maryland and Virginia to put forward competitive proposals that show the strong interest in and need for this funding. Secretary Rollins also announced a partnership with Maryland's Department of Agriculture to purchase up to $2 million in wild caught Chesapeake Bay blue catfish for distribution through food banks and distributors. We worked closely with Representative Harris' office and USDA to push forward the Section 32 specifications that have opened the door for these purchases.

POLICY ROUNDTABLE

Pay for Performance/Outcomes

Pennsylvania Director Marel King gave an overview of the status of Pay for Performance and Pay for Outcomes programs across our jurisdictions and facilitated a discussion focusing on the challenges the states have faced and programmatic goals for the future. Members shared the challenges that they have

faced using traditional procurement methods, and Pennsylvania highlighted the benefits of having PennVEST, the Commonwealth's financing authority for water quality improvement projects, administer their program. Members also explored the tensions between seeking innovative projects and the most cost-effective reductions in nutrients as well as the benefits and drawbacks of a regional market for nutrient reduction.

Tree Canopy
Virginia Director Adrienne Kotula identified that despite extensive efforts to increase tree canopy throughout the watershed, we are still experiencing a net loss. She provided an overview of policy differences between the Commission's jurisdictions in tree conservation policies and planting initiatives. Members discussed the differences in tree canopy management authorities at the state and local level in each jurisdiction and how state-level requirements can incentivize tree conservation and replanting.

PFAS
Maryland Director Maggie Woodward analyzed approaches being taken throughout the country to prevent land-applied biosolids from adding PFAS to our water, soil, and food. Currently, Maryland requires biosolids to be sampled for PFAS and has tiered recommendations for application rates based on testing results. Pennsylvania described their recently initiated voluntary sampling program. Members discussed permitting and source reduction as ways to address the issue, as well as the need for greater awareness of the public health risks PFAS in biosolids present.

Chair Love thanked the state Directors for their presentation and the Commission for the robust conversation.

EXECUTIVE DIRECTOR'S LIGHTNING ROUND UPDATES
Chair Love asked Executive Director Killius to update the Commission on important and timely issues impacting the Chesapeake Bay watershed. Ms. Killius provided updates as follows:

Indigenous Conservation Council Declaration and Tribal Partnership in the Chesapeake Bay Program

Ms. Killius shared an update on the declaration signed by the Indigenous Conservation Council of the Chesapeake Bay (ICC) in January. The ICC is a nonprofit created by the seven federally recognized tribes in Virginia. The declaration called on the Chesapeake Bay Executive Council "to honor Tribal Nations as critical partners in the revised Chesapeake Bay Agreement" and to:

1. Include the ICC as a signatory to the Agreement;
2. Establish and fund an Indigenous Guardianship Program, directing funding to the ICC as a new jurisdictional Signatory partner and then sub-granted to the Tribal Nations; and
3. Establish an Advisory Committee for Tribal Nations within the Bay Program to guide the Indigenous Guardianship Program.

The fourth element has since been exchanged for one to ensure that indigenous knowledge is viewed as equal and on par with western science.

The Principals' Staff Committee replied to the ICC in June explaining that, as the PSC works at the direction of the Executive Council, the EC would need to charge or direct the PSC to discuss expansion of the Agreement's signatories. In December 2024, the PSC was directed to revise the substance of the

Agreement, but the charge did not include considering changes to membership. However, the PSC expressed to the ICC that it anticipates recommending to the EC that they affirmatively direct the PSC to work with the tribes in the Chesapeake Bay watershed to explore the elements sought in the ICC's declaration. The PSC committed to incorporating tribal participation into the ongoing discussion of Bay Program structure and processes.

This is an incredibly important step for the partnership, so it is critical that the Bay Program partners and the Tribes discuss responsibilities and expectations and memorialize these in some way so that there are no surprises or misunderstandings. Further, there should be clarity on how the Bay Program might approach partnership with state-recognized tribes and any additional tribes that are recognized by the federal government in the future.

Ms. Killius shared that the PSC would likely recommend that the EC directly charge the PSC with working with the tribes on formal partnership in the Chesapeake Bay Program. That charge would be issued at the 2025 Executive Council meeting in December, with the most likely due date being the 2026 Executive Council meeting.

Chesapeake Bay Watershed Agreement

Ms. Killius summarized revisions to the Chesapeake Bay Watershed Agreement. At the time of the meeting, the Bay Program was on track to deliver a revised Chesapeake Bay Watershed Agreement by the end of this year. A draft of this revised agreement was released for public feedback July 1st. To highlight the main changes –

- The ten goals under the current agreement have been consolidated into four overarching themes: Healthy Landscapes, Clean Water, Thriving Habitat and Wildlife, and Engaged Communities. The consolidation was focused on simplifying messaging and more closely aligning the structure of the Agreement with how the Bay Program currently communicates its work. Nothing should have been lost in the translation of 10 goals into 4. Climate resilience is now incorporated across all goals, rather than as a stand-alone goal.
- The 31 outcomes in the current Agreements were reorganized into 21 outcomes.
    - Some outcomes were combined and expanded to be more comprehensive, like healthy forests and trees, which includes forested stream buffer and tree canopy efforts.
    - Some outcomes are adding more flexibility but potentially less specificity, like toxic contaminants mitigation. In the past, the toxics outcome focused on PCBs and mercury, but it now includes plastics and PFAS as well, and prioritizes information sharing between researchers, program managers, and policy makers.
    - Some outcomes have looked at integrating more nuanced needs and priorities. The protected lands outcome includes an overall acreage goal for protected lands but also speaks to the importance of conserving specific types of landscapes like agricultural lands and community greenspace in developed areas. The public access outcomes include a target number of new sites but also seeks to improve ADA accessibility and to prioritize maintenance at existing sites.
    - One new outcome was added, focusing on workforce development.

The public feedback period on the draft of the revised Chesapeake Bay Watershed Agreement closed on September 1st. The Bay Program is working to review the comments and make recommendations to the Management Board on responsive edits to the draft revised agreement. To stay on track to deliver a final,

revised Agreement to the Executive Council for approval at their December 2nd meeting, edits must be vetted by subject matter experts and agreed upon by the Management Board in roughly one month's time.

Chair Love thanked Ms. Killius for her presentation.

NEW BUSINESS & COMMISSION DISCUSSION
Chair Love asked if there was any new business to come before the Commission, and there was none.

Chair Love opened a dialogue with Commission members about issues of emerging concern. Critical minerals in legacy sediments trapped behind Conowingo Dam as well as the use of variances to stormwater regulations were raised as issues of concerned by members.

PUBLIC COMMENT
Chair Love asked if any members of the public had expressed interest in providing comments. No one had done so.

ADJOURNMENT
The Commission formally adjourned at 12:07 p.m.

The next meeting of the full Chesapeake Bay Commission will be held in Stratford, Virginia, on November 13-14, 2025.

The Commission hosted a **Nutrient Management 101 Webinar** on Wednesday, July 30, at 8:00 a.m.

Dr. Rory Maguire of Virginia Tech discussed the goals and best practices for using fertilizer and manure to both maximize crop production and reduce the risk of nutrient runoff contributing to water pollution. All states within the Chesapeake Bay watershed are relying on agriculture to achieve a majority of the remaining nutrient reductions needed for a healthy Bay. Nutrient management is a foundation of those agricultural strategies and relies on a mix of education, funding and regulatory programs to be successful.

Following Dr. Maguire's presentation on nutrient management, Commission members were able to ask follow-up questions. The webinar provided helpful background knowledge ahead of the Commission's visit to a dairy farm at the September quarterly meeting.